

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

OHIO VALLY ENVIRONMENTAL
COALITION, INC., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:12-3750

FOLA COAL COMPANY, LLC,

Defendant.

ORDER

On December 19, 2013, this Court entered its Memorandum Opinion and Order (ECF No. 70) granting in part Plaintiffs' motion for partial summary judgment (ECF No. 34). In that Memorandum Opinion and Order, the Court also held in abeyance Plaintiffs' claims as to the number of violations and for injunctive relief and civil penalties. A scheduling order was subsequently entered to address factual issues regarding relief. Therefore, the balance of Plaintiffs' motion for partial summary judgment (ECF No. 34) is **DENIED**, as such claims will be decided in Phase II.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 31, 2014



ROBERT C. CHAMBERS, CHIEF JUDGE